

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

MEMPHIS CENTER FOR REPRODUCTIVE  
HEALTH, et al.,

Plaintiffs,

v.

HERBERT H. SLATERY III, et al.,

Defendants.

CIVIL ACTION

CASE NO. 3:20-cv-00501

JUDGE CAMPBELL

MAGISTRATE JUDGE FRENSELY

**SECOND JOINT MOTION TO CONTINUE INITIAL CASE MANAGEMENT  
CONFERENCE**

Plaintiffs and Defendants (jointly, the “Parties”) hereby move the Court to continue for 30 days the initial case management conference presently set for October 1, 2020, with the Parties’ joint proposed case management order due on September 28, 2020. Dkt. No. 45.

As grounds for a continuance, the Parties state that Defendants have appealed the July 24, 2020 Order granting Plaintiffs’ Motion for a Preliminary Injunction, Dkt. No. 46, and Defendants’ filed a Motion for a Stay Pending Appeal, which remains pending, Dkt. No. 47. In light of these developments, and in service of judicial economy, the Parties submit that a continuance of 30 days will allow the Parties to more fully consider their positions on a schedule for discovery and dispositive motions for a case management order, which may be affected by the resolution of the Motion to Stay. The Parties believe this will prevent the Court and the Parties from wasting unnecessary resources on preparing a case management order, which may need to be substantially revised.

For the foregoing reasons, the Parties respectfully request a continuance of the initial case management conference to November 1, 2020. Counsel for all parties have conferred and agreed to the content of this Joint Motion.

Dated: September 25, 2020

Respectfully submitted,

/s/ Thomas H. Castelli

Thomas H. Castelli (No. 24849)  
American Civil Liberties Union  
Foundation of Tennessee  
P.O. Box 12160  
Nashville, TN 37212  
Tel: (615) 320-7142  
tcastelli@aclu-tn.org

*Attorney for Plaintiffs*

Jessica Sklarsky\*  
Rabia Muqaddam\*  
Center for Reproductive Rights  
199 Water Street, 22<sup>nd</sup> Floor  
New York, NY 10038  
Tel: (917) 637-3600  
Fax: (917) 637-3666  
Jsklarsky@reprorights.org  
rmuqaddam@reprorights.org  
fcocuzza@reprorights.org

*Attorneys for Memphis Center for Reproductive  
Health d/b/a Choices and Dr. Nikki Zite*

Susan Lambiase\*  
Planned Parenthood Federation of America  
123 William St., 9<sup>th</sup> Floor  
New York, NY 10038  
Tel: (212) 261-4749  
Fax: (212) 247-6811  
susan.lambiase@ppfa.org

*Attorney for Planned Parenthood of Tennessee and  
North Mississippi and Dr. Kimberly Looney*

Andrew Beck\*  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel: (212) 549-2633  
abeck@aclu.org  
adalal@aclu.org

*Attorneys for Knoxville Center for Reproductive  
Health and Femhealth USA, Inc., d/b/a carafem*

\*Admitted *pro hac vice*.

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 25, 2020 a true and correct copy of the foregoing Joint Motion was served on the Tennessee Attorney General's Office, counsel for all Defendants, via the Court's ECF/CM system.

Alexander S. Rieger  
Charlotte Davis  
Edwin A. Groves, Jr.  
Office of the Attorney General and Reporter  
P.O. Box 20207  
Nashville, Tennessee 37202-0207  
Alex.rieger@ag.tn.gov  
Charlotte.davis@ag.tn.gov  
alan.groves@ag.tn.gov

/s/ Thomas H. Castelli  
Thomas H. Castelli